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5 Attorneys for Defendants  
KAWASAKI KISEN KAISHA, LTD. and  
6 "K" LINE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 THE CONTINENTAL INSURANCE ) CASE NO.: 07-cv-06148 WHA  
COMPANY, a corporation, )  
12 )  
13 Plaintiff, ) NOTICE OF MOTION OF DEFENDANTS  
14 vs. ) KAWASAKI KISEN KAISHA, LTD. AND  
15 KAWASAKI KISEN KAISHA, LTD. ) "K" LINE AMERICA, INC. TO DISMISS  
D/B/A "K" LINE, a foreign corporation; "K" ) PURSUANT TO THE TOKYO DISTRICT  
LINE AMERICA, INC., a foreign ) COURT FORUM SELECTION CLAUSE IN  
corporation; and DOE ONE through DOE ) THE BILL OF LADING  
TEN, )  
16 ) Filed concurrently herewith:  
17 ) Memorandum of Points and Authorities;  
18 Defendants. ) Declarations of Sherry Johnson and Sharon  
Morris; [PROPOSED] ORDER

Date: April 17, 2008  
Time: 8:00 a.m.  
Location: 450 Golden Gate Ave.  
San Francisco, CA  
Courtroom 9, 19<sup>th</sup> Floor  
Honorable William Alsup

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 17, 2008 at 8:00 a.m., or as soon  
3 thereafter as counsel may be heard, in the Courtroom of the Honorable William Alsup, United  
4 States District Judge, 450 Golden Gate Avenue, San Francisco, California, Defendants Kawasaki  
5 Kisen Kaisha, Ltd. and "K" Line America, Inc. will and hereby do move the Court for an order  
6 dismissing the within action pursuant to the Tokyo District Court forum selection clause in the  
7 applicable bills of lading.

8 The Court should grant the Motion to Dismiss on the grounds that the bills of  
9 lading issued by Kawasaki Kisen Kaisha, Ltd. covering the carriage of the shipments of goods  
10 explicitly provides that any action brought under the bills of lading and/or in respect to the  
11 carriage of cargo shall be brought before the Tokyo District Court.

12 This Motion is based upon this Notice, the Memorandum of Points and  
13 Authorities, the declarations of Sherry Johnson, and Sharon Morris, with exhibits, the [proposed]  
14 order, the pleadings and documents on file herein, any further pleadings, memoranda, exhibits  
15 and declarations submitted in support hereof, and oral argument as may be presented at the  
16 hearing on this motion.

17

18 Dated: March 13, 2008

COGSWELL NAKAZAWA & CHANG, LLP

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20 By /s/ Alan Nakazawa  
21 Alan Nakazawa  
Dena S. Aghabeg  
22 Attorneys for Defendants KAWASAKI KISEN  
KAISHA, LTD. and "K" LINE AMERICA, INC.  
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1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on March 13, 2008, a copy of the foregoing **NOTICE OF MOTION**  
3 **OF DEFENDANTS KAWASAKI KISEN KAISHA, LTD. AND "K" LINE AMERICA,**  
4 **INC. TO DISMISS PURSUANT TO THE TOKYO DISTRICT COURT FORUM**  
5 **SELECTION CLAUSE IN THE BILL OF LADING** was filed electronically. Notice of this  
6 filing will be sent to the following parties by operation of the Court's electronic filing system.  
7 Parties may access this filing through the Court's system:

8                   Jonathan Will Thames  
9                   ARCHER NORRIS  
10                  [jthames@archernorris.com](mailto:jthames@archernorris.com)  
11                  [kloyd@archernorris.com](mailto:kloyd@archernorris.com)

12                  James Jin-Woo Jirn  
13                  ARCHER NORRIS  
14                  [jjirn@archernorris.com](mailto:jjirn@archernorris.com)

15                  I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct.

17                  Dated: March 13, 2008

18                  \_\_\_\_\_  
19                  /s/ Alan Nakazawa  
20                  Alan Nakazawa

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